

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

In the Matter of)

Filing of Waiver Requests by)
 Individual Carriers for)
 Local Number Portability)
 Phase I Implementation)

CC Docket No. 95-116

PETITION FOR LIMITED WAIVER OF WORLDCOM, INC.

WorldCom, Inc. ("WorldCom") hereby files its petition for limited waiver regarding implementation of local number portability ("LNP") in the so-called "Phase One" and "Phase Two" metropolitan statistical areas ("MSAs"), for the regions formerly served by Perot Systems, Inc. ("Perot Systems"). While WorldCom stands ready to provide LNP in full compliance with the Commission's orders, this limited waiver request is being filed out of an abundance of caution regarding other compliance issues being resolved within the industry as a whole.

I. INTRODUCTION AND BACKGROUND

WorldCom, Inc. is a premier global telecommunications company. Through its wholly-owned subsidiaries WorldCom Technologies, Inc., MFS Telecom, Inc., Brooks Fiber Properties, Inc., WorldCom Network Services (d/b/a WilTel Network Services), and UUNET Technologies, Inc., the new WorldCom provides its business and residential customers with a full range of facilities-based and fully integrated local, long distance, and international telecommunications services, and information services. In particular, WorldCom currently is the fourth largest facilities-based interexchange carrier ("IXC") in the United States, as well as

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a significant facilities-based competitive local exchange carrier ("CLEC") and Internet service provider ("ISP").

In Section 251(b)(2) of the Telecommunications Act of 1996,¹ the U.S. Congress imposed the responsibility on implementing local number portability on local exchange carriers ("LECs"), both incumbent and new entrants, to the extent technically feasible. In response, the Commission issued its First Report and Order on local number portability issues on July 2, 1996,² and then in March 1997 acted on various reconsideration petitions in its First Memorandum Opinion and Order on Reconsideration.³ The Commission followed up with its Second Report and Order in August 1997, in which Lockheed Martin IMS ("Lockheed Martin") was selected as the vendor in four regions (Mid-Atlantic, Mid-West, Northeast, and Southwest), while Perot Systems was the chosen vendor in three regions (West Coast, Western, and Southeast regions).⁴

As a leading CLEC, WorldCom has undertaken its responsibilities under the 1996 Act to implement LNP through considerable investment in software and hardware specifically

¹ 47 U.S.C. Section 251(b)(2) (1996).

² Telephone Number Portability, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 8352, CC Docket No. 95-116 (1996) ("First Report and Order").

³ Telephone Number Portability, First Memorandum Opinion and Order on Reconsideration, CC Docket No. 95-116, adopted March 6, 1997 ("Order on Reconsideration").

⁴ Telephone Number Portability, Second Report and Order, CC Docket No. 95-116 (August 14, 1997), at para 3 ("Second Report and Order").

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for LNP implementation in its network. WorldCom has also formally joined all seven of the limited liability companies ("LLCs") taking the leading role in making LNP a reality throughout the country. These LLCs have issued requests for proposals, evaluated the responses, and negotiated and signed LNP supplier contracts.

In its First Report and Order, the Commission directed all LECs -- ILECs as well as CLECs -- to file requests for waivers of the various LNP implementation dates at least 60 days prior to the final date of the implementation period.⁵ The Commission stated:

In the event a carrier is unable to meet our deadlines for implementing a long-term number portability method, it may file with the Commission, at least 60 days in advance of the deadline, a petition to extend the time by which implementation in its network will be completed. We emphasize, however, that carriers are expected to meet the prescribed deadlines, and a carrier seeking relief must present extraordinary circumstances beyond its control in order to obtain an extension of time. A carrier seeking such relief must demonstrate through substantial, credible evidence the basis for its contention that it is unable to comply with our deployment schedule. Such requests must set forth: (1) the facts that demonstrate why the carrier is unable to meet our deployment schedule; (2) a detailed explanation of the activities that the carrier has undertaken to meet the implementation schedule prior to requesting an extension of time; (3) an identification of the particular switches for which the extension is requested; (4) the time within which the carrier will complete deployment in the affected switches; and (5) a proposed schedule with milestones for meeting the deployment date.⁶

The Commission extended the deadline for implementation of the first and second phases in its

⁵ First Report and Order at para. 85.

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Order on Reconsideration. The first phase deadline was extended to March 31, 1998, and the second phase deadline was extended to May 15, 1998.⁷

**II. WORLDCOM'S LIMITED WAIVER REQUEST IS BASED SOLELY ON
VENDOR PROBLEMS THAT HAVE CAUSED LNP IMPLEMENTATION
DELAYS IN THREE MSAS**

WorldCom's limited waiver request is necessitated solely because of delays in LNP implementation in the Metropolitan Statistical Areas ("MSAs") of Atlanta, GA, Los Angeles, CA, and Minneapolis, MN, all in the "former" Perot regions. The LLCs overseeing LNP implementation in the Southeast, West Coast, and Western regions have recently terminated their respective contracts with Perot Systems, and have now contracted individually with Lockheed Martin for LNP implementation. The change was necessitated by failure of timely delivery of a working LNP system. Because of problems experienced with the first vendor and the subsequent change in vendors, LNP implementation will not be possible in time to meet the deadlines. The deadline is March 31 for the affected "Phase One" MSAs of Atlanta, GA, Los Angeles, CA, and Minneapolis, MN., and May 15 for the affected "Phase Two" MSAs of Miami, Fort Lauderdale, Orlando and Tampa, FL, Riverside and San Diego, CA, Phoenix, AZ, and Seattle, WA.

Thus, WorldCom wants to make it absolutely clear that it is filing this limited

⁷ Order on Reconsideration at paras. 79-80.

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waiver request out of an abundance of concern regarding compliance with Commission orders, and not because of any inability on its part to meet the Commission's deadline for implementation of LNP in its own network for these phases. WorldCom has undertaken implementation in its network in the three affected regions as well as the other original Lockheed regions, and will meet all Commission deadlines.

The new Lockheed Martin-provided LNP system, known as the NPAC, will be up and running May 11. Additional testing of various ordering systems must take place among carriers after the NPAC May 11 live date. It seems to be widely acknowledged that this intercompany, end-to-end testing can begin immediately after May 11. It appears, however, that some ILECs doubt they will be able to start testing then; indeed, WorldCom understands that some ILECs estimate they cannot be ready until mid-July or even later. However, because no industry agreement was reached regarding when all carriers will begin and conclude additional testing, and there apparently still is a question regarding several carriers implementing LNP in their own networks, WorldCom cannot provide the Commission with a date as to when LNP will be truly available in the former Perot Systems regions.

As shown in the recent February 24 notice from the three LLCs to NANC, agreement was not reached regarding end dates for this additional testing.⁸ The LLCs reported:

⁸ NANC Update Notice from Pamela Connell, President, Southeast Number Portability Administration Company, LLC, Richard Scheer, Chair, West Coast Portability Services, LLC, and Tommy Thompson, Chair, Western Region Telephone Number Portability, LLC, to NANC, dated February 24, 1998.

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Consensus was reached that the NPAC Live date (May 11, 1998) appearing in Lockheed's Turn-Up Plan is the date when Intercompany, end-to-end testing may begin in each of the three regions. (BellSouth concurs with the intervals in the Lockheed Turn-Up Plan, but does not believe it will be ready for Intercompany testing by May 11.) The members also agreed that this period will last approximately thirty (30) days. (US West reports that the Western Region Testing Team currently supports a period ranging from six (6) to seven (7) weeks.⁹

While consensus was reached on the live date, the fact that two prominent ILECs could not, or would not, agree with the additional testing is worrisome. Further, the fact that the LLCS also reported that "[u]pon successful completion of Intercompany, end-to-end testing, some companies support a phased/metered office conversion approach,"¹⁰ means that, even after testing is completed, LNP readiness in an ILEC network may take that much longer.

In its review of the waiver petitions, the Commission should understand that more than just three MSAs are at stake. For example, the May 11 live date is well past the March 31 deadline for the Phase 1 MSAs, and only 4 days before the May 15 deadline for Phase 2 MSAs. WorldCom notes the NPAC live date is 6 weeks before the June 30 deadline for the Phase 3 MSAs of New Orleans, LA; Charlotte and Greensboro, NC; Nashville, TN; Las Vegas, NV; Orange Co., Oakland and San Francisco, CA; Denver, CO; and Portland, OR.

WorldCom is concerned that the delay caused by vendor problems and the

⁹ Id.

¹⁰ Id.

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subsequent change to a new vendor may be used by some ILECs for inappropriate and excessive delay of LNP implementation in these regions. Based on WorldCom's reading of the First Report and Order, any LEC should have filed a specific waiver request with the Commission by January 28 regarding any known, ongoing problem other than the LNP vendor situation. If ILECs take longer than thirty days after the live date to conclude this additional testing, competition will be delayed indefinitely for reasons other than NPAC related.

As a result, WorldCom asks the Commission in its review of waiver petitions filed by ILECs in the Southeast, Western, and West Coast regions, to examine such petitions for substantive and specific information justifying why a ready date beyond June 15 is warranted. WorldCom is quite concerned that, without clearly substantiating evidence to the contrary, some ILECs may attempt to delay local competition by using the change in vendor as an excuse, and taking longer than necessary to adapt their networks and procedures to Lockheed Martin from what had been in place with Perot. While unique problems or situations may arise suddenly in implementing LNP that may render waiver notices necessary beyond the 60 day notice period, WorldCom believes that petitioners must demonstrate that such waivers would be in the public interest.

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III. CONCLUSION

WorldCom requests that the Commission grant its waiver petition, and direct the industry that, barring extraordinary circumstances, all testing will be completed by June 15 in the "Phase One" and "Phase Two" MSAs.

Respectfully submitted,



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March 2, 1998

CERTIFICATE OF SERVICE

I, Richard S. Whitt, hereby certify that I have this 2nd day of March, 1998, sent a copy of the foregoing "Petition for Waiver of WorldCom, Inc." by hand delivery to the following:

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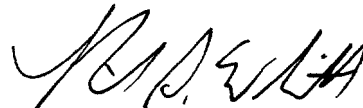
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